

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)

GARY L. WEBER, D.D.S.)
734 Kitterman Circle)
Norwalk, IA 50211)

NOTICE OF HEARING

License #6077)

Respondent)

You are hereby notified that on July 9, 2002, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon the Statement of Charges on October 17, 2002, before the full Board or a panel of the Board. The hearing shall begin at 8:30 a.m. and shall be located in the 1st Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8th Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

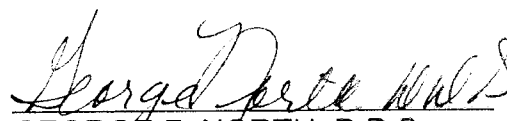
Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 9th day of July, 2002.


GEORGE F. NORTH, D.D.S.
Vice Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

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Norwalk, IA 50211)	STATEMENT OF CHARGES
License #6077)	
Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On July 1, 1975, D.D.S., the Respondent, was issued license number 6077 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 6077 is current and on active status until June 30, 2002.

COUNT I

The Respondent is charged under Iowa Code Section 272C.3(2)(a) (2001) with failing to comply with a decision of the Board imposing licensee discipline.

COUNT II

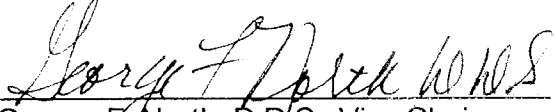
The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating the rules of this chapter when he failed to comply with an Order of the Board imposing discipline, in violation of 650 Iowa Administrative Code Section 30.4(23).

THE CIRCUMSTANCES

1. On February 1st, 2002, the Iowa Board of Dental Examiners found probable cause to file a Statement of Charges against Respondent alleging that Respondent was unable to practice dentistry with reasonable skill and safety by reason of illness, drunkenness, or habitual use of drugs, intoxicants, narcotics, chemicals, or other types of materials, or as a result of a mental or physical condition. The Board additionally alleged in the charges, inter alia that Respondent; indiscriminately or promiscuously prescribed controlled substances; failed to maintain required records of controlled substance prescriptions; for soliciting unused controlled substance medications from patients of record for personal use; and for obtaining controlled substance medications through fraud and/or deceit.
2. Respondent entered into a Stipulation and Consent Order with the Board on April 2nd, 2002, in which his license was placed on indefinite probation subject to numerous terms and conditions, including a prohibition against holding federal or state controlled substance registrations, as well as a prohibition from accepting any controlled substances unless prescribed by a treating healthcare provider in consultation with his addictionologist and only after informing the provider of his prior chemical dependency. Respondent was also required to successfully document compliance with numerous other requirements, including attendance at Alcoholics or Narcotics Anonymous as well as Gamblers Anonymous, and was in addition required to submit to random witnessed blood or urine samples on demand.

3. On May 31st, 2002, the Board received information that Respondent had received multiple controlled substance medications from a treating healthcare provider. Respondent accepted these medications without informing the provider of his prior chemical dependency and without having the provider consult with his addictionologist.
4. On June 12th, 2002, the Board received confirmation that two (2) of Respondent's urine drug screens tested positive for controlled substances.
5. The Board later received information that Respondent had accepted additional controlled substance medication from a friend, who was not a treating health care provider.
6. Respondent has failed to successfully document to the Board his attendance at Alcoholics, Narcotics, and Gamblers Anonymous, and has failed to file written monthly reports to the Board as required by his Order.
7. Respondent has failed to make himself available for chemical testing by failing to call into the Board's drug testing program on at least five (5) separate dates.
8. The Board has received information indicating concern regarding Respondent's ability to remain in active practice without detriment to the public.

On this 9th day of July, 2002, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


George F. North, D.D.S., Vice Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
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